# IN THE UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

In re: BANKRUPTCY PROCEEDING

WAREHOUSE 86, LLC Case No.: 08-03423-EE

Debtor. CHAPTER 11

SCK, INC. AND RADIOSHACK CORPORATION

**Plaintiff** 

V. Adversary Proceeding No.: 09-00139-EE

WAREHOUSE 86, LLC

Defendant

INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.'S LIMITED OBJECTION TO SCK, INC. AND RADIOSHACK CORPORATION'S SUBPOENA FOR THIRD PARTY DOCUMENTS

### I. INTRODUCTORY STATEMENT

Pursuant to Rule 45 of the Federal Rules of Civil Procedure Industrial Developments International, Inc. ("IDI") hereby serves its limited objection to SCK, Inc. and RadioShack Corporation's Subpoena for Production of Documents, attached as Exhibit "A" (hereinafter the "Subpoena). As to all responses, IDI will search for responsive, non-privileged documents, to the extent that they exist, and produce such documents subject to the general objections below.

### II. GENERAL OBJECTIONS

#### FIRST GENERAL OBJECTION

IDI objects to the Subpoena to the extent that it seeks (a) information or documents within the scope of the attorney-client privilege, the work product doctrine, or any other privilege, including trial preparation materials and materials prepared by counsel or at the request of counsel, in anticipation of litigation, without a showing of substantial need; or (b) information

or documents considered confidential or otherwise protected by law. IDI further objects to undertaking a privilege review of documents that it has objected to producing, at this time, and expressly reserves its right to withhold privileged documents in the event IDI produces such documents in the future for any reason.

#### SECOND GENERAL OBJECTION

IDI objects to the Subpoena to the extent that its wording is vague, ambiguous, overly broad, unduly burdensome, or to the extent that it attempts to impose obligations on IDI that is beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure. Examples include the use in the Subpoena of the phrase "[a]II documents and electronically stored information concerning, referring to, or relating to." Subject to and without waiving this objection, IDI will interpret the Subpoena in a manner consistent with the normal understanding and usage of the language employed therein to the extent necessary to fairly and fully answer this Subpoena in compliance with the Federal Rules of Civil Procedure.

#### III. EXTENSION OF TIME FOR COMPLIANCE

Counsel for IDI and SCK, Inc. and RadioShack Corporation have conferred and by mutual agreement, the deadline to comply with the subpoena is extended to March 19, 2010, at 9:30 a.m.

Respectfully submitted this 2nd day of March, 2010.

## INDUSTRIAL DEVELOPMENTS INTERNATIONAL, INC.

By: /s/ Scott Jones

M. Scott Jones (MSB No. 102239)

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#### **CERTIFICATE OF SERVICE**

I hereby certify that, on this the 2<sup>nd</sup> day of March, 2010, I have served by electronic filing a copy of Industrial Developments International, Inc.'s Limited Objection to SCK, Inc. and Radioshack Corporation's Subpoena for Third Party Documents to the following:

Marcus Wilson Bennett, Lotterhos, Sulser & Wilson, P.A. PO Box 98 Jackson, MS 39205-0098

This, the 2nd day of March, 2010.

/s/ Scott Jones
M. Scott Jones